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MILLER LAW GROUP

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Attorneys for Defendant

Dominick SPICKLE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE PEOPLE OF THE UNITED
STATES OF AMERICA,
Plaintiff,

CR. No. S-04-0216-DFL

v.

**Stipulation to Court as Between
Counsel**

Dominick SPICKLE,
Defendant.

Next Court Date: Sep. 2, 2005

Time: 10:30am

Judge: Levi

Counsel for both parties hereby stipulate to the following:

(1) This case is currently set for a sentencing hearing on September 2, 2005.

(2) **All counsel wish to have this matter taken off the morning calendar of September 2, 2005 ad re-set for September 22, 2005 for a sentencing hearing.**

(3) It is appropriate that time be excluded in this matter pursuant to local rule T-4.

Respectfully Submitted,

/S/ Eric A. Dumars

Dated: August 26, 2005

Eric A. Dumars,

Attorney for Defendant

/S/ Russell Miller

Dated: August 26, 2005

Russell Miller,

Attorney Substituting In as Counsel for Defendant

/S/ Anne Pings

Dated: August 26, 2005

Anne Pings,

United States Attorney

Eric A. Dumars, SBN 226374
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Attorneys for Defendant
Dominick SPICKLE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE PEOPLE OF THE UNITED
STATES OF AMERICA,
Plaintiff,

CR. No. S-04-0216-DFL

**Declaration to Court Concerning
Stipulation as Between Counsel**

v.

Dominick SPICKLE,
Defendant.

I, Eric A. Dumars, do declare as truthful the following:

- (1) I am attorney of record for Mr. Spickle and up until August 1, 2005, I was associate attorney of the Miller Law Group.
- (2) I have changed attorney positions and now am a Deputy Public Defender in Merced County, California.
- (3) I am filing a Substitution of Attorney with this stipulation, whereby Russell Miller, principal attorney for the Miller Law Group, is substituting in as counsel of record for the Defendant.
- (4) I never spoke directly with US Attorney Anne Pings regarding the above stipulation, however, it was reported to me by the personnel at the Miller Law Group that she did in fact agree to this stipulation to continue the sentencing hearing.
- (5) If I was miss-informed concerning Counselor Ping's stipulation or need be contacted for any other purpose, I can be contacted directly with the following information:

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2222 M St
Merced, CA 95340
Phone: (209) 385-7692 ext. 4123
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Respectfully Submitted,
/s/ Eric A. Dumars
Eric A. Dumars,
Attorney at Law

Dated: August 26, 2005

Russell W. Miller Jr., SBN187728

Eric A. Dumars, SBN 226374

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Attorneys for Defendant

Dominick Spickle

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE PEOPLE OF THE UNITED
STATES OF AMERICA,

Plaintiff,

CR. No. S-04-0216-DFL

v.

PROPOSED ORDER

Dominick Spickle,

Defendant.

ORDER

Having received a stipulation as between counsel that this matter should be continued and time excluded pursuant to local rule T-4, it is hereby ordered the sentencing hearing currently set for September 2, 2005 be vacated, and this case be set for a sentencing hearing on September 22, 2005 at 10:00 a.m. before the Honorable Judge Levi. Time is to be waived pursuant to local rule T-4.

/s/ David F. Levi

Dated: 9/2/2005

United States District Court Judge